

### REMARKS

A new attorney has been appointed as demonstrated by the enclosed power of attorney. Please update the file of this application so that further correspondence is made to Customer Number 28765.

Claims 55-60, as amended, and new claims 61-75 appear in this application for the Examiner's review and consideration.

The specification was amended to correct an error of a typographical nature.

The claims were rejected for obviousness-type double patenting over the claims of US patent 6,265,140 in view of certain prior art references. In response, applicants submit herewith a terminal disclaimer signed by their representative, along with a fee transmittal. Accordingly, this rejection has been overcome and should be withdrawn.

Claims 56-57 were not rejected over the art, so that the filing of the disclaimer renders these claims allowable. Claim 58 was amended to depend from claim 56 so that that claim should also be allowable.

Claims 55 and 58-60 were rejected over various combinations of references for the reasons set forth in the office action. Applicants have amended these claims to overcome these rejections.

In particular, claims 55, 59 and 60 were amended to further define the invention along the lines of the claims that were allowed in the parent patent. In particular, claim 55 was amended to recite that means for writing data is a two-laser system for two photon writing data in digital form on the digital optical memory medium. Similarly, claims 59 and 60 have been amended to recite that data is stored in digital form on the digital optical memory medium from a two-laser system for two photon writing of such data. In addition, as these claims recite that the silver particles are oxidized, the specific means for oxidizing them has been deleted from the claims as it is believed that this recitation is not required for patentability. This deleted feature appears in new claims 72-75. It is believed that these claims are allowable for the same reasons as claim 56 and for the same reasons that the claims of the parent patent were allowed.

New claim 61 has been added. This claim is similar to claim 1 of US patent 6,265,140 except that it omits the specific compounds used to oxidize the silver particles. This claim is believed to be patentable for the same reasons as claim 56 and for the same reasons that the claims of the parent patent were allowed.

New claims 62-74 are dependent claims that are directed to preferred embodiments. Claims 62-66 are directed to preferred luminescent dyes, while claims 67-71

are directed to preferred particle sizes and water-soluble polymers. These claims are supported by the specification as well as by the claims that were allowed in the parent patent. Thus, there is no issue of new matter. As these claims depend from the independent claims mentioned above, these claims should also be allowable.

A petition for an extension of time is enclosed so that the filing of this response prior to February 10, 2005 is timely.

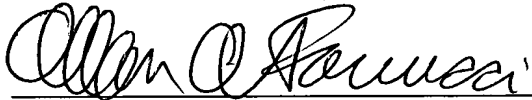
In view of the above, the entire application is believed to be in condition for allowance, early notice of which would be appreciated. Should any issues remain, a personal or telephonic interview is respectfully requested to discuss the same in order to expedite the allowance of all the claims in this application.

Based on the new Power of Attorney submitted herewith, all further communications should be directed to the undersigned at Customer Number 28765.

Date: \_\_\_\_\_

2/9/05

Respectfully submitted,



Allan A. Fanucci

(Reg. No. 30,256)

**WINSTON & STRAWN**  
Customer Number 28765  
(212) 294-3311